

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 276 OF 2006
IN
CRIMINAL APPEAL NO. 1168 OF 2005

Firoz Gulab Khan ..Appellant
(Ori. Accused No.2)

versus

State of Maharashtra ..Respondents

Mr. A. H. Solkar for the Appellant - Ori. Accused
No.2.

Mr. V. B. Konde-Deshmukh, APP for the Respondents
- State.

CORAM : D. G. DESHPANDE, &
V. K. TAHILRAMANI, JJ.

DATE : 24TH APRIL, 2006

P.C. :

1. Heard.

2. This is an application for bail by the appellant - original accused No.2. Charge under Section 120-B was levelled against all the accused. The present appellant is convicted with others. However, even after hearing the learned APP, and going through the Judgment and evidence, we find, that there is no prima facie evidence connecting the accused to refuse bail to him. Murder was not committed at the behest of the appellant. There is no recovery of any incriminating articles from him.

It is alleged by the prosecution that he had a talk with one of the accused from a particular telephone booth. The owner of the telephone booth was examined as P.W. 16. Copy of his deposition is annexed. That owner was declared hostile as he refused to identify the present appellant.

3. Our attention was drawn by the learned APP to paragraphs 82 onwards, but, even from that no case can be made against the present appellant - original accused No.2, at least, for the purpose of bail. Therefore, this application is allowed. Appellant - Accused be released on his furnishing P.R. bond in the sum of Rs.10,000/- (Rupees Ten Thousand) with one solvent surety in the like amount. The appellant - accused to attend the concerned Police Station once in a fortnight for six months and then once in a month till the appeal is over. The Appellant - Accused to pay fine, if any, before he is released on bail. His substantive sentence is suspended pending the Appeal. Application disposed of accordingly.

(D.G. DESHPANDE, J.)

(V.K. TAHILRAMANI, J.)